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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT CHAPTER I—FARM CREDIT ADMINISTRATION

[Regional Agricultural Credit Corporation Bulletin 455]

PART 95 LOANS—SPECIAL AREAS

(AMENDMENT OF THE RULES AND REGULATIONS GOVERNING THE EXTENSION OF CREDIT BY THE WENATCHEE, WASHINGTON, BRANCH OF THE REGIONAL AGRICULTURAL CREDIT CORPORATION OF SALT LAKE CITY, UTAH, TO FRUIT GROWERS IN OKANOGAN, CHELAN, DOUGLAS AND GRANT COUNTIES, IN THE STATE OF WASHINGTON (KNOWN AS THE WENATCHEE-OKANOGAN DISTRICT) ¹

FEBRUARY 8, 1941.

Pursuant to the authority of section 201 (e) of the Emergency Relief and Construction Act of 1932, as amended (12 U.S.C. 1148) and Executive Order #6084 (effective May 27, 1933), the following rules and regulations are hereby promulgated:

Section 95.7 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 95.7 *Security.* All notes shall be secured by (a) crop liens or mortgages conveying a first and paramount lien on crops grown or to be grown during the current season; or (b) liens on other personal property, such as farm and orchard machinery, equipment and livestock; or (c) liens on real estate; or (d) liens on either or all the above classifications of property, any of which may be accepted as primary security.

Chap. 1, Title 6, Code of Federal Regulations, is amended by adding the following new section:

§ 95.16 *Section 91.5 (b) not applicable to Wenatchee Branch.* Sec. 91.5 (b) of Title 6 shall not be applicable to the loans made by the Wenatchee Branch

of the Regional Agricultural Credit Corporation of Salt Lake City, Utah.

[SEAL] C. C. JACOBSEN,
Director,
Regional Agricultural Credit Division.
[F. R. Doc. 41-1034; Filed, February 11, 1941;
11:22 a. m.]

TITLE 7—AGRICULTURE CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.—Q. 48]

PART 301—DOMESTIC QUARANTINE NOTICES JAPANESE BEETLE QUARANTINE *Introductory Note*

The current revision of the Japanese beetle quarantine adds a proviso under which the Chief of the Bureau of Entomology and Plant Quarantine may, when the facts as to pest risk so warrant, modify the requirements, by making them less stringent, as to one or more of the restricted articles, or as to certain periods of the year, or certain parts of the regulated areas.

In the revision of the regulations, nominal extensions of regulated areas are made in Maryland, New York, Pennsylvania, Virginia, and West Virginia. Counties newly added in part or in entirety include Cayuga in New York; Crawford and Forest in Pennsylvania; Greensville and Rappahannock in Virginia; and Marshall in West Virginia. The cities of Petersburg and Winchester, in Virginia, are also brought under regulation. Discovery of substantial infestations of the Japanese beetle in these sections warranted their addition to the regulated areas. Additional enlargements of the regulated areas have been made to include the entire Maryland counties of Baltimore, Howard, Montgomery, and Wicomico, and additional areas in the counties of Carroll, Charles, Dorchester, Frederick, and Washington; the entire Pennsylvania counties of Butler, Venango, and Warren, and parts of Erie and Mercer Counties; additional area in Chesterfield County, Va.; and all of Ohio County in West Virginia.

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 6—AGRICULTURAL CREDIT:	Page
Farm Credit Administration:	
Wenatchee-Okanogan District, Washington, extension of credit to fruit growers; amendment.....	909
TITLE 7—AGRICULTURE:	
Bureau of Entomology and Plant Quarantine:	
Japanese beetle quarantine.....	909
TITLE 10—ARMY: WAR DEPARTMENT:	
Organized Reserves:	
Medical Department Reserve, appointment of graduates of foreign medical schools.....	917
TITLE 26—INTERNAL REVENUE:	
Bureau of Internal Revenue:	
Income tax under the Internal Revenue Code, amendments.....	917
TITLE 30—MINERAL RESOURCES:	
Bituminous Coal Division:	
Minimum price schedules, relief granted; petitions of:	
District No. 1 (2 documents).....	919, 920
District No. 10 (2 documents).....	921, 923
District No. 14 and Keener Mining Co.....	924
District No. 15, Frank Nedjedly, et al.....	925
TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF:	
Veteran's Administration:	
Adjudication:	
Dependents' claims, accrued benefits.....	926
Disallowance and awards, military and naval retirement pay.....	926
TITLE 49—TRANSPORTATION AND RAILROADS:	
Interstate Commerce Commission:	
Steam railway companies of Class III, annual reports.....	926
NOTICES	
Railroad Retirement Board:	
Hearings:	
Burlington Transportation Co.....	932
Union Pacific Stages, Inc.....	932
(Continued on next page)	

¹ 6 F.R. 705.



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CONTENTS—Continued

Securities and Exchange Commission:

Hearings:	Page
Allied Stores Corp.-----	932
American European Securities Co.-----	933
Lenartz, Harry M., & Co., registration revoked-----	933
Public Service Company of Oklahoma, declaration filed-----	933
Wilkes-Barre & Eastern Railroad Co., application granted-----	932

War Department:

Contract summaries:	
Black and Veatch-----	931
Electric Auto-Lite Co-----	928
Fruehauf Trailer Co-----	930
General Motors Corp. (Guide Lamp Division)-----	929
National Pneumatic Co., Inc. (2 documents)-----	927
Norris Stamping and Manufacturing Co-----	927
Philco Corp-----	930
Reed, M. T., Construction Co-----	931
Scoville Manufacturing Co-----	930
Severin, N. P. (2 documents)-----	928, 929
National Guard units, induction effective March 3 and 5, 1941-----	926

The area from which the movement of fruits and vegetables is regulated (§ 301.48-5) has been extended to include additional areas in Baltimore and Howard Counties, Md., and Berks, Lehigh, Northampton, and York Counties, Pa., and to bring in part of Cumberland County, Pa. The metropolitan New York localities and adjoining area in Fairfield County, Conn., are no longer included in this area.

Previous quarantine regulations required a certificate or permit for movement of fruits and vegetables from the area designated in § 301.48-5 to several isolated points in Maine, New York, Ohio, Pennsylvania, Vermont, and West Virginia. This requirement as related to isolated points has been removed with the exception that a certificate is required for such movement to Toledo, Ohio, and Winchester, Va., when consigned via refrigerator car or motor-truck, or in lot shipments of three pieces or more by common carrier. This section has been further revised to remove the exemption in regard to bananas. Bananas in any form moving from the area designated in § 301.48-5 via refrigerator car, or motor-truck, or by common carrier in lot shipments of three pieces or more, require certification during the period specified.

Current regulations require that refrigerator cars originating in the area designated in § 301.48-5 into which fruits or vegetables are to be loaded for interstate movement from any regulated area, must be swept, cleaned, or fumigated by the common carrier prior to loading, and if used for loading fruits and vegetables in the area designated in that section, such cars must also be kept tightly closed and sealed during the interval between fumigating or cleaning and loading. Fruits and vegetables consigned from the area designated in § 301.48-5 by refrigerator car, must be fumigated in the car, when such action is deemed necessary by the inspector, and doors and hatches of the cars must be closed or screened.

Minor changes have also been made in §§ 301.48-6, 7, 10, 12, and 13.

This revision supersedes the twelfth revision of Notice of Quarantine No. 48, approved March 1, 1937, and the seventeenth revision of the rules and regulations supplemental thereto, as amended effective May 27, 1940.¹

Summary

Unless a certificate has been issued, these regulations, as now revised, prohibit the interstate movement between June 15 and October 15 (between June 1 and October 15 in the case of Accomac and Northampton Counties, Va.) of all fruits and vegetables by refrigerator car, motor-truck, or in lot shipments of three pieces or more by common carrier, from the District of Columbia, the State of Delaware, and parts of Maryland, New Jersey, Pennsylvania, and Virginia, as defined in § 301.48-5, to or through points outside the regulated areas as defined in § 301.48-3.

The regulations also prohibit the interstate shipment of plants, sand, soil, earth, peat, compost, and manure from any part of the regulated areas to or through any outside point throughout the year unless a Federal permit or cer-

tificate has been secured. Cut flowers are restricted interstate movement only between June 15 and October 15 inclusive. For details and exceptions see §§ 301.48-6 and 7.

The regulated areas include the District of Columbia, the entire States of Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island, and parts of Maine, Maryland, New Hampshire, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia, as described in § 301.48-3.

These regulations also specify the conditions governing the protection of restricted articles from infestation while in transit (§ 301.48-8), require thorough cleaning of vehicles, containers, and refrigerator cars which have been used in transporting restricted products (§§ 301.48-5 and 13), and provide other safeguards and conditions as specified in the regulations.

To secure permits and certificates, address the Bureau of Entomology and Plant Quarantine, 266 Glenwood Avenue, Bloomfield, N. J., or the nearest branch office listed in the appendix.

Determination of the Secretary of Agriculture

The Secretary of Agriculture, having determined that it was necessary to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle (*Popillia japonica* Newm.), a dangerous insect new to and not theretofore widely prevalent or distributed within and throughout the United States, and having given the public hearing required by law, promulgated the Twelfth Revision of Notice of Quarantine § 301.48, Chapter III, Title 7, Code of Federal Regulations, and rules and regulations supplemental thereto, governing the movement of (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure, from any of the above-named States or the District of Columbia, into or through any other State or Territory or District of the United States, §§ 301.48-1 to 14, inclusive, Part 301, Chapter III, Title 7, Code of Federal Regulations [B.E.P.Q.—Q 48, effective on and after March 1, 1937].

For the reason that it appears that the provisions of the quarantine may be safely extended to authorize the Chief of the Bureau of Entomology and Plant Quarantine to modify, by making less stringent, the requirements of the rules and regulations supplemental to the said Notice of Quarantine, I have further determined that the said quarantine should be revised. I have further determined that it is necessary to revise the regulations for the purpose of extending the reg-

¹ 5 F.R. 1847.

ulated areas owing to the discovery of substantial infestations of the Japanese beetle in additional sections, and to make other modifications.

Order of the Secretary of Agriculture

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the subpart entitled "JAPANESE BEETLE" of Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.—Q. 48, as revised] is hereby amended effective February 12, 1941, to read as follows:

SUBPART—JAPANESE BEETLE QUARANTINE

§ 301.48 *Notice of Quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), I do quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle. Hereafter, (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment,

such articles are considered innocuous as carriers of infestation: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

RULES AND REGULATIONS

§ 301.48-1 *Definitions.* For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle.* The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.

(b) *Infested, infestation.* The terms "infested," "infestation," and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area.* Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area.* Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.48, as revised.

(e) *Fruits and vegetables.* For the list of restricted fruits and vegetables see § 301.48-5.

(f) *Nursery and ornamental stock.* Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure.* Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost, and manure.* Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse.* A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in § 301.48-6. This term may apply also to potting beds, heeling-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise

safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector.* An inspector of the United States Department of Agriculture.

(k) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(l) *Certificate.* A valid form evidencing compliance with the requirements of these regulations as to movement of restricted articles to points outside the regulated areas.

(m) *Permit.* A valid form authorizing movement of restricted articles from a regulated area to a restricted destination in a separate regulated area.

§ 301.48-2 *Limitation of restrictions to regulated areas.* Conditioned upon the compliance on the part of the State concerned with the provisos to § 301.48, the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said § 301.48 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.

§ 301.48-3 *Regulated areas.* In accordance with the provisos to § 301.48, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston, in *Androscoggin County*; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County*; the city of Waterville, in *Kennebec County*; and the city of Brewer, in *Penobscot County*.

Maryland. Counties of Baltimore, Caroline, Cecil, Harford, Howard, Kent, Montgomery, Queen Annes, Somerset, Talbot, Wicomico, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts Nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31, and 32, in *Allegany County*; the city of Annapolis, and election districts Nos. 2, 3, 4, and 5, in *Anne Arundel County*; all of *Carroll County* except the election districts of Middleburg (No. 10), and Union Bridge (No. 12); election districts of La Plata (No. 1), Pomomkey (No. 7), and White Plains (No. 6), in *Charles County*; election districts of Cambridge (No. 7), Church

Creek (No. 9), East New Market (No. 2), Fork (No. 1), Hurlock (No. 15), Vienna (No. 3), and Williamsburg (No. 12), in *Dorchester County*; election districts of Ballenger (No. 23), Braddock (No. 24), Brunswick (No. 25), Buckeystown (No. 1), Burkittsville (No. 22), Emmitsburg (No. 5), Frederick (No. 2), Hauvers (No. 10), Jefferson (No. 14), Middletown (No. 3), New Market (No. 9), Petersville (No. 12), Thurmont (No. 15), and Woodville (No. 18), in *Frederick County*; all of *Prince Georges County* except the election districts of Aquasco (No. 8), and Nottingham (No. 4); election districts of Boonsboro (No. 6), Cavetown (No. 7), Clear Spring (No. 4), Conococheague (No. 13), Funkstown (No. 10), Hagerstown (Nos. 3, 17, 21, 22, 24, and 25), Halfway (No. 26), Leitersburg (No. 9), Ringgold (No. 14), Sandy Hook (No. 11), Sharpsburg (No. 1), and Williamsport (No. 2), in *Washington County*.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in *Carroll County*; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County*.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County*; city of Auburn and the towns of Fleming, Owasco and Sennett in *Cayuga County*; towns of Amherst, Cheektowaga, and Tonawanda, and the cities of Buffalo and Lackawanna, in *Erie County*; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County*; town of Watertown and city of Watertown, in *Jefferson County*; town of Mount Morris and village of Mount Morris, in *Livingston County*; city of Rochester and town of Brighton, in *Monroe County*; towns of Catharine, Cayuta, Dix, Hector, Montour, and Reading, and the borough of Watkins Glen, in *Schuyler County*; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and the cities of Corning and Hornell, in *Steuben County*; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in *Tompkins County*;

towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County*.

Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; the city of Coshocton, in *Coshocton County*; the city of Columbus, and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in *Franklin County*; townships of Kirtland, Mentor, and Willoughby, and the villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in *Lake County*; the township of Newark and city of Newark, in *Licking County*; the city of Toledo, in *Lucas County*; the township of Madison and the city of Mansfield, in *Richland County*; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, the cities of Niles and Warren, and the villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in *Trumbull County*.

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, the boroughs of Blooming Valley, Cambridge Springs, Cochranton, Conneaut Lake, Conneautville, Geneva, Linesville, Saegertown, Springboro, Townville, Venango, and Woodcock, and the city of Meadville in *Crawford County*; the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, Le Boeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, Wattsburg, and Wesleyville, in *Erie County*; the townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and the boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in *Mercer County*.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in *Chittenden County*.

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts

of Bermuda, Dale, Manchester and Matoca, in *Chesterfield County*; town of Emporia, in *Greensville County*; magisterial district of Sleepy Hole, in *Nansemond County*; magisterial districts of Hampton, Jackson and Wakefield, in *Rappahannock County*; magisterial district of Courtland, in *Spotsylvania County*; Camp Stuart, in *Warwick County*; magisterial district of Washington, in *Westmoreland County*; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, South Norfolk, Suffolk, and Winchester.

West Virginia. Counties of Brooke, Hancock, Harrison, Jefferson, Marion, Monongalia, Ohio, and Taylor; districts of Arden, Falling Waters, Hedgesville, and Opequon, and the city of Martinsburg, in *Berkeley County*; the city of Charleston, in *Kanawha County*; districts of Sand Hill, Union, Washington, and Webster, in *Marshall County*; town of Keyser and district of Frankfort, in *Mineral County*, and the city of Parkersburg, and districts of Lubeck and Tygart, in *Wood County*.

§ 301.48-4 *Extension or reduction of regulated areas.* The regulated areas designated in § 301.48-3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.

§ 301.48-5 *Restrictions on the movement of fruits and vegetables—(a) Control of movement.* (1) Unless a certificate shall have been issued therefor, by an inspector, except as provided in subdivisions (i) to (iv), inclusive, of this section, no fruits or vegetables of any kind shall be moved interstate via refrigerator car, or motortruck, or in lot shipments of three pieces or more by common carrier, from any of the areas listed below to or through any point outside the regulated areas:

Delaware. The entire State.

District of Columbia. The entire District.

Maryland. Counties of Cecil, Harford, Kent, Queen Annes, Somerset, and Worcester; election district No. 5 in *Anne Arundell County*; the city of Baltimore; all of *Baltimore County* except election districts Nos. 4, 5, 6, and 7; all of *Caroline County* except election districts of American Corners (No. 8), and Hillsboro (No. 6); election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in *Dorchester County*; election districts of Elk Ridge (No. 1), and Ellicott City (No. 2), in *Howard County*; election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg

(No. 4), Salisbury (No. 9), and the town of Salisbury, Trappe (No. 7), and Willard (No. 14), in *Wicomico County*.

New Jersey. Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union; townships of Lodi, Lyndhurst, Overpeck, Rochelle Park, Saddle River, and Teaneck, the cities of Englewood, Garfield, and Hackensack, and the boroughs of Bogota, Carlstadt, Cliffside Park, East Paterson, East Rutherford, Edgewater, Englewood Cliffs, Fair Lawn, Fairview, Fort Lee, Glen Rock, Hasbrouck Heights, Leonia, Little Ferry, Lodi, Maywood, Moonachie, North Arlington, Palisades Park, Ridgefield, Rutherford, Teterboro, Wallington, and Wood Ridge, in *Bergen County*; townships of Chatham, Chester, Denville, East Hanover, Hanover, Harding, Menham, Morris, Morristown, Parsippany-Troy Hills, Passaic, Randolph, and Washington, and the boroughs of Chatham, Florham Park, Madison, Mendham, and Morris Plains, in *Morris County*; township of Little Falls, the cities of Clifton, Passaic, Paterson, and the boroughs of Haledon, Hawthorne, North Haledon, Prospect Park, Totowa, and West Paterson, in *Passaic County*; townships of Franklin, Greenwich, Lopatcong, Mansfield, Phillipsburg, Pohatcong, and Washington, and the boroughs of Alpha and Washington in *Warren County*.

Pennsylvania. Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; townships of Alsace, Amity, Bern, Brecknock, Caernarvon, Colebrookdale, Cumru, District, Douglass, Earl, Exeter, Hereford, Longswamp, Lower Alsace, Maiden Creek, Maxatawny, Muhlenberg, Oley, Ontelaunee, Pike, Richmond, Robeson, Rockland, Ruscombmanor, South Heidelberg, Spring, Union, and Washington, the city of Reading, and the boroughs of Bally, Bechtelsville, Birdsboro, Boyertown, Fleetwood, Kutztown, Lyons, Mohnton, Mount Penn, Saint Lawrence, Shillington, Sinking Spring, Temple, Topton, West Lawn, West Reading, Wyomissing, and Wyomissing Hills, in *Berks County*; township of Lower Allen, and borough of New Cumberland, in *Cumberland County*; townships of Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royaltown, and Steelton, in *Dauphin County*; townships of Hanover, Lower Macungie, Lower Milford, Salisbury, South Whitehall, Upper Macungie, Upper Milford, Upper Saucon, and Whitehall, the city of Allentown, and the boroughs of Alburtis, Catasauqua, Coopersburg, Coplay, Emaus, Fountain Hill, and Macungie, in *Lehigh County*; townships of Forks, Hanover, Lower Nazareth, Lower Saucon, Palmer, and Williams, the cities

of Bethlehem, and Easton, and the boroughs of Glendon, Tatamy, West Easton, and Wilson, in *Northampton County*; townships of Chanceford, Conewago, East Hopewell, East Manchester, Fairview, Fawn, Hellam, Hopewell, Lower Chanceford, Lower Windsor, Newberry, and Peach Bottom, and the boroughs of Cross Roads, East Prospect, Fawn Grove, Goldsboro, Hallam, Lewisberry, Manchester, Mount Wolf, Stewartstown, Wrightsville, Yorkana, and York Haven, in *York County*.

Virginia. Counties of Accomac, Arlington, and Northampton.

Provided, That shipments of fruits and vegetables moving interstate from the area specified in paragraph (a) (1) of this section to other points in the regulated area and subsequently diverted to points outside the regulated area, shall be regarded as direct shipments from the point of origin. As such they require certification:

Provided further, That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this section when in his judgment such action is considered advisable.

(i) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive, except that in the case of movement interstate from the following areas, the exemption applies only during the period from October 16 to May 31, inclusive:

Virginia. The counties of Accomac and Northampton.

(ii) No certificate or permit will be required for the interstate movement of fruits and vegetables when transported by a common carrier on a through bill of lading either from a point outside the area designated in this section through that area to another outside point, or from the area designated in this section through a nonregulated area to another regulated area, except that a certificate is required for interstate movement from the area specified in paragraph (a) (1) of this section to Toledo, Ohio, and Winchester, Va.

(iii) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(iv) No restrictions are placed on the interstate movement of fruits and vegetables from the area listed in paragraph (a) (1) of this section to the remainder of the regulated area, other than as specified in subdivision (ii) of this section.

(b) *Conditions of certification.* Certificates may be issued for the interstate movement of fruits and vegetables between June 15 and October 15, inclusive (or between June 1 and October 15, in-

clusive, when consigned from Accomac County or Northampton County, Va.) under one of the following conditions:

(1) When the fruits and vegetables moving by motortruck or in lot shipments of three pieces or more by common carrier, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the observation of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside the areas designated in this section, and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the areas designated in paragraph (a) (1) of this section, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as fumigated or thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between fumigation or cleaning and loading, such refrigerator car must be tightly closed and sealed. (For further requirements on the cleaning of refrigerator cars, see § 301.48-13).

(6) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been fumigated in the car, when deemed necessary in the judgment of the inspector,

and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.

§ 301.48-6 Restrictions on the movement of nursery and ornamental stock—

(a) **Control of movement.** Nursery and ornamental stock as defined in § 301.48-1 shall not be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) The following articles, because of their growth or production, or their manufactured or processed condition, are considered innocuous as carriers of infestation and are therefore exempt from the requirements of certification:

(i) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil; and single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers or small root divisions meeting these conditions, require certification.

(ii) Cut orchids; orchid plants when growing exclusively in *Osmunda* fiber; *Osmunda* fiber, *Osmundine*, or orchid peat (*Osmunda cinnamomea*, and *O. clay-toniana*).

(iii) (a) Floral designs or "set pieces," including wreaths, sprays, basket covers, and all formal florists' designs; bouquets and cut flowers not so prepared are not exempted; (b) trailing arbutus, or Mayflower (*Epigaea repens*), when free from soil, and when shipped during the period between October 16 and June 14, inclusive.

(iv) (a) Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container of such materials; (b) mushroom spawn, in brick, flake, or pure culture form.

(v) (a) Sheet moss (*Calliergon schriberi* and *Thuidium recognitum*); (b) resurrection plant or bird's-nest moss (*Selaginella lepidophylla*); (c) sphagnum moss, bog moss, or peat moss (*Sphagnaceae*); (d) dyed moss, when heat treated and appropriately labeled.

(vi) Soil-free, dried roots incapable of propagation, when appropriately labeled.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement of soil-free aquatic plants, and of portions of plants without roots and free from soil, except that a

certificate is required for the movement of cut flowers during the period June 15 to October 15, inclusive.

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required between June 15 and October 15 inclusive, for interstate movement of cut flowers from the main regulated areas to the following-named isolated points: Brewer and Waterville, Maine; Brighton, Buffalo, Hornell, Mount Morris, Rochester, and Watertown, and the town of Hornellsville, Steuben County, N. Y., or to other regulated parts of Erie, Jefferson, and Livingston Counties, N. Y.; Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or to other regulated parts of Licking and Richland Counties, Ohio; Corry and Erie, Pa.; Burlington, Vt.; Winchester, Va.; and Charleston and Parkersburg, W. Va. No restrictions are placed on the interstate movement of cut flowers from the above-named isolated points.

(b) **Conditions governing the issuance of certificates and permits.** For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) **Class I.** Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as class I. Upon compliance with the requirements of paragraph (b) (7) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(2) **Class III.** (i) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III, provided (a) there are maintained on the premises subdivided class I areas, certified houses, frames, or plots or other certified areas, or (b) there is a legitimate need for interstate or intradealer certification of such stock. Such classification will not be granted to nurseries, greenhouses, and other premises that do not maintain certified or subdivided areas and require only infrequent certification. Such classification also may be given to nurseries, etc., where one or more beetles or grubs are found in the immediate proximity (within approxi-

mately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties under single ownership and management but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(ii) Upon compliance with paragraphs (b) (3), (6), and (7) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (a) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (b) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or (c) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots;

(i) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(ii) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(iii) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (a) shall be potted

in certified soil; (b) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (c) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (d) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers may be certified for movement either (i) when they have been inspected by an inspector and found free from infestation, or (ii) when they have been grown in a greenhouse of class I or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also paragraph (a) (3) of this section.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (i) That the soil shall be entirely removed from the stock, or (ii) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (iii) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain a class III status shall report immediately on forms provided for that purpose all their sales or shipments of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated area. Certification may be denied to any person who has omitted to make the report required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nurserymen, florists, dealers, and others, in order to maintain a class I status, or to maintain in a class III establishment, a class I subdivision, a certified plot, or a certified greenhouse, (i) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure, secured within the regulated area and intended for use on class I or certified premises, to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the article when moved; (ii) shall obtain approval of the inspector be-

fore such articles are received on class I or certified premises or are taken into certified greenhouses; (iii) shall report immediately in writing all purchases or receipts of such articles secured from within the regulated area for use on such premises; and (iv) shall also report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(8) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(9) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route and when found advisable by the inspector, after reinspection and determination of freedom from infestation.

§ 301.48-7 Restrictions on the movement of sand, soil, earth, peat, compost, and manure—(a) Control of movement. Sand, soil, earth, peat, compost, and manure shall not be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (i) sand and clay when free from vegetable matter; (ii) greensand marl; and (iii) such other sands and clays as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein, provided that each container of such article shall be labeled on the outside thereof as to nature of contents, except that in the case of bulk shipments such label shall accompany the waybill or other shipping papers.

(2) No restrictions are placed on the interstate movement of manure, peat, compost, or humus (i) when dehydrated, shredded, ground, pulverized, or compressed, or (ii) when treated with crude petroleum or any other product having high potency as an insecticide, and when so labeled on the outside of each commercial container of such materials.

(3) No restrictions are placed on the interstate movement of sand, soil, earth,

peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(4) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions of certification.* Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (i) is to be moved between October 16 and June 14, inclusive, or (ii) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (iii) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (b) (1), (2), or (3) hereof.

§ 301.48-8 Conditions governing the protection of restricted articles from infestation while in transit. Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection, and all such seals shall remain in-

tact as long as the vehicle is en route within the regulated area.

§ 301.48-9 Marking and certification a condition of interstate transportation.

(a) Every box, basket, or other container of restricted articles listed in §§ 301.48-5, 6, and 7 shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.

§ 301.48-10 General conditions governing inspection and issuance of certificates and permits. (a) Persons intending to move interstate any of the articles the movement of which is restricted in §§ 301.48-5, 6, and 7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement from a regulated area through a nonregulated area to another

regulated area, via truck or other road vehicle, of articles the interstate movement of which is restricted in §§ 301.48-6 and 7.

§ 301.48-11 Cancellation of certificates. Certificates issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.

§ 301.48-12 Inspection in transit. Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is restricted by these regulations, shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

§ 301.48-13 Thorough cleaning required of trucks, wagons, cars, boats, and other vehicles and containers before moving interstate. Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by these regulations within the regulated areas shall not thereafter be moved interstate until they have been thoroughly swept and cleaned by the carrier at a point within the regulated area. Refrigerator cars originating in the area designated in § 301.48-5 into which fruits or vegetables are to be loaded for interstate movement from any regulated area shall be thoroughly swept or cleaned or fumigated prior to loading as may be required by the inspector.

§ 301.48-14 Shipments for experimental and scientific purposes. Articles subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

Done at Washington, D. C., this 8th day of February 1941.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

APPENDIX
PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 266 Glenwood Avenue, Bloomfield, N. J.

Subsidiary offices are maintained at the following locations:

Connecticut: Agricultural Experiment Station, 123 Huntington Street, New Haven, Conn.

Delaware: Room 210, New Post Office Building, Dover, Del.

Maryland:

Room 306, Post Office Building, Calvert and Fayette Streets, Baltimore, Md.

Japanese Beetle Inspection, Plant Introduction Garden, Glenn Dale, Md.

Washington County Annex Building, Hagerstown, Md.

Room 202, New Post Office Building, Main Street, Salisbury, Md.

Massachusetts: 144 Moody Street, Waltham, Mass.

New Jersey:

Kotler Building, Main and High Streets, Glassboro, N. J.

P. O. Box 1, Trenton, N. J., or Yardville Road, White Horse, N. J.

New York:

Room 838, 641 Washington Street,
New York, N. Y.

Room 200, 2507 James Street, Syra-
cuse, N. Y.

Ohio: 21065 Euclid Avenue, Euclid, Ohio.

Pennsylvania:

Room 303, Post Office Building, Har-
risburg, Pa.

6905 Torresdale Avenue, Philadel-
phia, Pa.

Room 438-K, New Post Office Build-
ing, Pittsburgh, Pa.

Virginia:

Room 217, New Federal Building,
Granby Street and Brambleton
Avenue, Norfolk, Va.

17 North Boulevard, Richmond, Va.

West Virginia: County Agent's Office,
Courthouse Building, Clarksburg,
W. Va.

Arrangements may be made for inspec-
tion and certification of shipments from
the District of Columbia by calling Re-
public 4142, branch 2598, inspection
house of the Bureau of Entomology and
Plant Quarantine, 224 Twelfth Street,
SW., Washington, D. C.

GENERAL OFFICES OF STATES COOPERATING

Department of Entomology, Agricul-
tural Experiment Station, New Haven,
Conn.

Board of Agriculture, Dover, Del.

State horticulturist, Augusta, Maine.

Department of Entomology, Univer-
sity of Maryland, College Park, Md.

Division of Plant Pest Control, De-
partment of Agriculture, Statehouse,
Boston, Mass.

Deputy commissioner, Department of
Agriculture, Durham, N. H.

Bureau of Plant Industry, Department
of Agriculture, Trenton, N. J.

Bureau of Plant Industry, Department
of Agriculture and Markets, Albany,
N. Y.

Division of Plant Industry, Depart-
ment of Agriculture, Columbus, Ohio.

Bureau of Plant Industry, Department
of Agriculture, Harrisburg, Pa.

Bureau of Entomology, Department of
Agriculture, Statehouse, Providence,
R. I.

Entomologist, Department of Agricul-
ture, Montpelier, Vt.

Division of Plant Industry, Depart-
ment of Agriculture and Immigration,
Richmond, Va.

State entomologist, Department of
Agriculture, Charleston, W. Va.

[F. R. Doc. 41-1010; Filed, February 10, 1941;
3:09 p. m.]

No. 29—2

TITLE 10—ARMY: WAR DEPARTMENT
CHAPTER VI—ORGANIZED
RESERVESAPPOINTMENT OF GRADUATES OF FOREIGN
MEDICAL SCHOOLS IN THE MEDICAL DE-
PARTMENT RESERVE¹

1. Graduates of foreign medical
schools are considered eligible for ap-
pointment in the Medical Corps Reserve
provided they meet the following re-
quirements:

a. Are citizens of the United States
and can present satisfactory evidence of
pre-medical education equivalent to the
requirements of the Association of Amer-
ican Medical Colleges and the Council
on Medical Education of the American
Medical Association.

b. Have completed a medical course of
at least four academic years.

c. Have a license to practice medicine
in the country in which their medical
school is located.

d. Have completed not less than one
year's internship in a hospital acceptable
to the Council on Medical Education and
the Committee on Hospitals of the
American Medical Association.

e. Are eligible to take the examination
given by the National Board of Medical
Examiners.

f. Have a license to practice medicine
in the United States. (39 Stat. 189, 48
Stat. 154, 48 Stat. 939; 10 U.S.C. 352, 353)
[Letter Feb. 5, 1941 to all Corps Area and
Department Commanders and to The
Surgeon General (AG 210.1 Med-Res.
(12-30-40) R-A)]

[SEAL]

E. S. ADAMS,

Major General,

The Adjutant General.

[F. R. Doc. 41-1026; Filed, February 11, 1941;
10:15 a. m.]

TITLE 26—INTERNAL REVENUE
CHAPTER I—BUREAU OF INTERNAL
REVENUE

[T.D. 5038]

PART 19—INCOME TAX UNDER THE INTERNAL
REVENUE CODEREGULATIONS 103 AMENDED TO CONFORM TO
SECTION 101 OF THE SECOND REVENUE ACT
OF 1940

In order to conform Regulations 103²
(Part 19, Title 26, Code of Federal Regu-
lations, 1940 Sup.) to section 101 of the

¹ See 10 CFR 61.1-61.7 for regulations gov-
erning Officers Reserve Corps.

² 5 F.R. 348, 437, 569.

Second Revenue Act of 1940 (Public
No. 801, 76th Cong., 3d sess.), approved
October 8, 1940, such regulations are
amended as follows:

PARAGRAPH 1. The following is inserted
immediately preceding § 19.13-1:

SEC. 101. CORPORATION INCOME TAX. (SEC-
OND REVENUE ACT OF 1940.)

(a) *Tax on corporations in general.* Sec-
tion 13 (b) of the Internal Revenue Code, as
amended by section 3 of the Revenue Act of
1940, is amended to read as follows:

"(b) *Imposition of tax.* There shall be
levied, collected, and paid for each taxable
year upon the normal-tax net income of every
corporation the normal-tax net income of
which is more than \$25,000 (except a corpo-
ration subject to the tax imposed by section
14, section 231 (a), Supplement G, or Sup-
plement Q) whichever of the following taxes
is the lesser:

"(1) *General rule.* A tax of 22½ per centum
of the normal-tax net income; or

"(2) *Alternative tax (corporations with
normal-tax net income slightly more than
\$25,000).* A tax of \$3,775, plus 35 per centum
of the amount of the normal-tax net income
in excess of \$25,000."

(e) *Taxable years to which applicable*
Amendments made by this section shall be
applicable only with respect to taxable years
beginning after December 31, 1939.

PAR. 2. Section 19.13-5, as amended by
T.D. 5011,² approved September 24, 1940,
is amended by striking out in the last
paragraph "\$31,964.30" wherever it ap-
pears, and by inserting in lieu thereof
"\$38,565.89".

PAR. 3. Section 19.13-6, as amended by
T. D. 5011, is amended by striking out
"19 percent", "\$31,964.30", "\$17,385", and
"17,385", wherever they appear, and by
inserting in lieu thereof "22½ percent",
"\$38,565.89", "\$20,221.50", and "20-
221.50", respectively.

PAR. 4. Section 19.13-7, as amended by
T. D. 5011, is amended by striking out
"33 percent", "\$31,964.30", "\$4,154.50",
"4,154.50", "19 percent", and "4,968.50",
wherever they appear, and by inserting
in lieu thereof "35 percent", "\$38,565.89",
"\$4,177.50", "4,177.50", "22½ percent",
and "5,779.15", respectively.

PAR. 5. The following is inserted im-
mediately preceding § 19.14-1:

SEC. 101. CORPORATION INCOME TAX. (SEC-
OND REVENUE ACT OF 1940.)

(b) *Tax on foreign corporations.* Section
14 (c) (1) of the Internal Revenue Code, as
amended by section 3 of the Revenue Act of
1940, is amended to read as follows:

"(c) *Foreign corporations.*

"(1) In the case of a foreign corporation
engaged in trade or business within the

² 5 F.R. 3838.

United States or having an office or place of business therein, the tax shall be an amount equal to 22 $\frac{1}{10}$ per centum of the normal-tax net income, regardless of the amount thereof."

(e) *Taxable years to which applicable.* Amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939.

PAR. 6. Section 19.14-2, as amended by T.D. 5011, is amended by striking out in the first sentence of the last paragraph "19 percent" and by inserting in lieu thereof "22 $\frac{1}{10}$ percent."

PAR. 7. The following is inserted immediately preceding § 19.15-1, as amended by T.D. 5011:

SEC. 101. CORPORATION INCOME TAX. (SEC. 201 OF THE REVENUE ACT OF 1940.)

(d) *Defense tax for five years.* The first sentence of section 15 of the Internal Revenue Code, added to such Code by section 201 of the Revenue Act of 1940, is amended to read as follows: "In the case of any taxpayer, the amount of tax under this chapter for any taxable year beginning after December 31, 1939, and before January 1, 1945, shall be the tax computed without regard to this section, increased by 10 per centum; except that in the case of a corporation the increase shall be limited to 10 per centum of the tax computed without regard to the amendments made by section 101 (a), (b), and (c) of the Second Revenue Act of 1940."

PAR. 8. The first paragraph of § 19.15-1, as amended by T. D. 5011, is stricken out, and there is inserted in lieu thereof the following:

§ 19.15-1 *Defense tax.* For taxable years beginning after December 31, 1939, and before January 1, 1945, the tax computed in accordance with chapter 1 of the Internal Revenue Code as amended without regard to section 15 (added by section 201 of the Revenue Act of 1940⁴ and amended by section 101 (d) of the Second Revenue Act of 1940) is increased by 10 percent thereof. For the purpose of this 10 percent increase, the tax which is to be increased is computed before the application of the foreign tax credit and

⁴ Section 201 of the Revenue Act of 1939 amended sections 13, 14, and 15 by enacting new sections 13 and 14 imposing taxes on the income of corporations for taxable years beginning after December 31, 1939, and eliminating section 15. A new section 15, providing for a defense tax, was added by section 201 of the Revenue Act of 1940.

the credit for taxes withheld at the source. In the case of a corporation, this 10 percent increase shall be computed upon the basis of the tax determined without regard to the amendments made by section 101 (a), (b), and (c) of the Second Revenue Act of 1940.

Example. The A Corporation, a domestic corporation, has for the calendar year 1940 a net income of \$60,000, including interest on United States obligations (allowable as a credit under section 26 (a)) in the amount of \$3,000, and dividends received (of the class allowable as credit under section 26 (b)) in the amount of \$10,000. The total tax upon the corporation is \$11,640, computed as follows:

Net income.....	\$60,000
Less interest on United States obligations.....	3,000
Adjusted net income.....	57,000
Less credit for dividends received (85 percent of \$10,000).....	8,500
Normal-tax net income.....	48,500
Tax under section 13 (b) (1) as amended by section 101 (a) of the Second Revenue Act of 1940 (22 $\frac{1}{10}$ percent of \$48,500).....	10,718.50
Defense tax under section 15 (10 percent of \$9,215, tax computed under section 13 (b) (1) without regard to the amendment by section 101 (a) of the Second Revenue Act of 1940 (19 percent of \$48,500)).....	921.50
Total tax.....	11,640.00

Section 15 as amended by section 101 of the Second Revenue Act of 1940 provides that the defense tax shall be based upon the normal tax computed at rates provided by section 13 (b) prior to its amendment by section 101 of the Second Revenue Act of 1940. Although, by reason of the alternative tax provisions, the normal-tax net income must amount to \$38,565.89 before the new normal tax rate of 22.1 percent is applicable, the old normal tax rate of 19 percent was applicable if the normal-tax net income amounted to \$31,964.30. Therefore, in the case of normal-tax net incomes between \$31,964.30 and \$38,565.89, the defense tax will be based on the 19 percent rate though the permanent normal tax is based on the graduated rates of the alternative tax. The normal tax rates both before and after the application

of the defense tax may be illustrated by the following table:

	Permanent rate	Temporary additional rate (defense tax)	Total normal tax rate
Corporations with normal-tax net incomes not in excess of \$31,964.30:	Percent	Percent	Percent
First \$5,000.....	13.50	1.35	14.85
Next \$15,000.....	15.00	1.50	16.50
Next \$5,000.....	17.00	1.70	18.70
Next \$6,964.30.....	35.00	3.30	38.30
Corporations with normal-tax net incomes in excess of \$31,964.30 but not in excess of \$38,565.89:			
First \$5,000.....	13.50	1.90	15.40
Next \$15,000.....	15.00	1.90	16.90
Next \$5,000.....	17.00	1.90	18.90
Next \$13,565.89.....	35.00	1.90	36.90
Corporations with normal-tax net incomes in excess of \$38,565.89.....	22.10	1.90	24.00

PAR. 9. The following is inserted immediately preceding § 19.362-1, as amended by T. D. 5011:

SEC. 101. CORPORATION INCOME TAX. (SECOND REVENUE ACT OF 1940.)

(c) *Tax on mutual investment companies.* Section 362 (b) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

"(b) *Imposition of tax.* There shall be levied, collected, and paid for each taxable year upon the Supplement Q net income of every mutual investment company a tax equal to 22 $\frac{1}{10}$ per centum of the amount thereof."

(e) *Taxable years to which applicable.* Amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939.

PAR. 10. Section 19.362-1, as amended by T. D. 5011, is amended by striking out in the first sentence "19 percent" and by inserting in lieu thereof "22 $\frac{1}{10}$ percent".

(This Treasury decision is issued under the authority contained in section 101 of the Second Revenue Act of 1940 (Public, No. 801, 76th Cong., 3d sess.) and section 62 of the Internal Revenue Code (53 Stat. 32).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: February 8, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-1036; Filed, February 11, 1941; 11:50 a. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket No. A-516]
PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 1, REQUESTING PRELIMINARY AND PERMANENT ORDER FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR DISTRICT NO. 1 COALS FOR WHICH PRICE CLASSIFICATIONS AND MINIMUM PRICES HAVE NOT HERETOFORE BEEN PRESCRIBED

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1 not heretofore classified and priced; and

The Director having fully considered said petition and the data in support thereof,

TEMPORARY SUPPLEMENT—TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1
 NOTE: The material contained in this Temporary Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK
§ 321.7 Alphabetical list of code members

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdist. No.	seam	Freight origin	1	2	3	4	5
606	Bowers, Charles	Bowers #1	7	E	45					
609	Bush, Clair and John Wyant	Bush and Wyant	5	B	119					
1304	Droppleman, John	Susie #2 (Slipside #2)	41	Big Vein	70					
601	Droppleman, John	Susie #5	41	Tyson	70					
542	Galbraith & Bowers	Galbraith & Bowers	12	C	112					
2388	Lechrie, Harry W.	Rummel	33	B	40					
1870	Owens, Ray W.	Owens	7	D	45					
605	Parsons and Sons, A. H. (Emery W. Parsons)	Rocky Ridge	30	Barnett	42					
682	Price, James William	Price's Red Jacket	8	A	45					

Now, therefore, it is ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, §§ 321.7, 321.24, and 321.32 are amended by adding thereto the supplements dated January 31, 1941, which are hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days hereof, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, and that this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: January 31, 1941.

[SEAL]

H. A. GRAY,
 Director.

TRUCK SHIPMENTS

§ 321.24 General prices in cents per net ton for shipment into all market areas

Code member index	Mine index No.	Mine	Sub. dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	3/4" and under slack	1/2" and under slack
B & R Mine (John E. Rupp)	2672	B & R	18	Cumby	C'	235	235	235	235	235
Becker, Rudy & Anthony	2677	Becker	17	Clarion	C'	235	235	235	235	235
Bowers, Charles	606	Bowers #1	7	Clarion	E	235	235	235	235	235
Bush, Clair and John Wyant	609	Bush and Wyant	5	Jefferson	B	235	235	235	235	235
Chabala, Andrew	2679	Bird's Eye	21	Clarion	D	235	235	235	235	235
Chapman Bros. Coal Co.	2016	Dolling	44	Mineral	Bakerstown	235	235	235	235	235
Dorwarth, James A. & Fred D. Gove	3000	Dorwarth	6	Jefferson	B	235	235	235	235	235
Drabish & Antonisak	2881	Brant	41	Somerset	Pittsburgh	235	235	235	235	235
Droppleman, John	1304	Susie #3 (Slipside #3)	44	Mineral	Big Vein	235	235	235	235	235
Droppleman, John	601	Susie #5	44	Mineral	Tyson	235	235	235	235	235
Dunlop, B. J.	3001	Dunlop	7	Clarion	E	235	235	235	235	235
Emoryrun Coal Co. (Thomas B. Shepard)	2675	Emory #1	44	Mineral	E	235	235	235	235	235
Emm Coal Company (Cyril J. Nickel)	2653	Emm #1	43	Allegheny	Big Vein	235	235	235	235	235
Fleming, Thomas E.	2612	Fleming	7	Clarion	E	235	235	235	235	235
Galbraith & Bowers	542	Galbraith & Bowers	12	Indiana	C'	235	235	235	235	235
Good Lewis, Gearhart - Good (Clark Good)	2655	Crawford	11	Indiana	E	235	235	235	235	235
Hilman, John	2670	John Hilman	11	Armstrong	D	235	235	235	235	235
Kopchert, J. S.	2611	Kopchert	8	Clarion	B	235	235	235	235	235
Kitchen & Beam (Russell Beam)	2650	Ross Curry	18	Clarion	C'	235	235	235	235	235
Lechrie, Hugh (Rummel Coal Co.)	2388	Rummel	33	Somerset	B	235	235	235	235	235
Marshall, Harry	3002	Marshall	22	Armstrong	E	235	235	235	235	235
Mayes, Edward and John Cartwright	2660	Mayes	9	Centre	B	235	235	235	235	235
Mellon, B. S. (Little Ben Coal Co.)	1687	Little Ben	44	Allegheny	E	235	235	235	235	235
Merry & Sons, William L.	2622	Bloomington #2	7	Clarion	D	235	235	235	235	235
Moslak Coal Co. (M. B. Moslak)	678	Moslak	13	Clarion	D	235	235	235	235	235
Muth & Company (S. O. Muth)	2658	Hayes	6	Clarion	E	235	235	235	235	235
Owens, R. H. & Mary C. Parsons	2640	Owens	12	Clarion	C'	235	235	235	235	235
Parsons and Sons, A. H. (Emery W. Parsons)	605	Rocky Ridge	30	Huntingdon	Barnett	235	235	235	235	235
Price, James William	682	Price's Red Jacket	8	Clarion	A	235	235	235	235	235
Reed, Reynolds	2666	R. Reed	18	Clarion	B	235	235	235	235	235
Ridley, Daniel E.	2668	Ridley	15	Clarion	B	235	235	235	235	235
Rosky, John E. (Rylecky Mines)	3004	Rocky Ridge	22	Armstrong	F	235	235	235	235	235
Scott, Carl R.	2671	Scott Mines	22	Armstrong	F	235	235	235	235	235
Shroyer, Solomon and Bruce Shroyer	2677	Shroyer	41	Somerset	Pittsburgh	235	235	235	235	235
Smuel, Sheridan	2615	Smuel	18	Clarion	A	235	235	235	235	235
Sopchick, Paul	2630	Sopchick	14	Clarion	C'	235	235	235	235	235
Stewart, Ira L.	2667	Stewart Strip	4	Clarion	C	235	235	235	235	235
Stuller, Daniel & Wm. Freeman	2618	Stuller	7	Clarion	D	235	235	235	235	235
Switzer and Clark (Geo. A. Switzer)	1801	Switzer & Clark	4	Clarion	B	235	235	235	235	235
Taylor, T. Lee	2673	Lee Taylor	8	Clarion	B	235	235	235	235	235
Tobachak Bros. (Steven Tobachak)	2674	Dashan #2	21	Centre	B	235	235	235	235	235
Woods, Donald & Dallas King	2648	Woods & King	18	Clarion	C'	235	235	235	235	235

*For prices see Sub-District 1, Clarion and Jefferson Counties.

NOTE: Additional prices are italicized.

§ 321.32 General prices in cents per net ton for shipment into all market areas

Code member index	Mine index No.	Mine	Seam	Base sizes									
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea 3/4" x 1 1/4"	Run of mine	1 1/4" Black	3/4" Black
SUB-DISTRICT No. 1 CLARION AND JEFFERSON COUNTIES													
Reed, Reynolds	2965	R. Reed	B	315	295	280	265	255	240	225	225	175	165

[F. R. Doc. 41-1001; Filed, February 10, 1941; 11:43 a. m.]

[Docket No. A-559]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT No. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1 NOT HERETOFORE CLASSIFIED AND PRICED

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1 not heretofore classified and priced; and

The Director having fully considered said petition and the data in support thereof,

Now, therefore, it is ordered, That a reasonable showing of the necessity there-

for having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, §§ 321.7, 321.24, and 321.32 are amended by adding thereto the supplements dated January 31, 1941, which are hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days hereof, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, and that this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: January 31, 1941.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY SUPPLEMENT—TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in this Temporary Supplement is to be read in the light of the classifications, prices, inclusions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Freight group No.	1	2	3	4	5
1042	Barlar, Fred	Barlar	6	D	50					
1122	Bonner, H. C.	Bonner	6	B	112					
605	Carlson, Ed. E. (Ed. E. Carlson Coal Co.)	Carlson	6	D	50					
1450	Culbertson, D. B. (The Culbertson Coal Co.)	Harvey #1	4	D	75					
132	Decker, H. C.	Decker #1	1	B	31					
662	Engle and Albright (Samuel E. Engle)	Sutton	41	Sev.	102					
2753	Gathers, C. H.	Thompson	4	C	119					
2319	Hartman and Johnson (Louis Godin)	Albion #1	14	B	45					
213	Hillman, Coal Co.	Ashman #1	8	D & E	41					
442	Hillman, Coal Co. (W. D. Hill)	Hill #1	34	B	50					
2327	Huck, Paul J. (Paul J. Huck Colliery)	Lloyd #1	3	C	45					
3018	Janet, Rosa B. (Janet Coal Mining)	Janet Coal Mining	7	C	45					
1760	McCliment, Robert	McCliment	13	D	44					
678	Meyer, J. Bruce	Peters #2	42	E	50					
31	Moslak Coal Co. (M. B. Moslak)	Moslak	1	B	31					
2651	Myers Coal Company	Beachy	17	B	31					
604*	Neal, Ralph W.	Neal	39	B	31					
324	P & G Coal Company (A. D. Grasso)	P & G	6	D	50					
2983	Radonsky, Andrew	Miller Run #1	1	B	31					
638	Simon and Son, J. H.	Buffalo #2	39	B	31					
2275	Spencer, Harlan	Spencer	1	B	31					
2280	Toy, Guy	Toy	39	B	31					
	Zeth, N. P. (Zeth Coal Co.)	Zeth	39	B	31					

* Mine index No. 604, size groups 3, 4, and 5 subject to temporary relief granted in dockets A-53 to A-58, under date of January 9, 1941.

NOTE: Additional prices are italicized.

\$ 321.32 General prices in cents per net ton for shipment into all market areas

Code member index	Mine Index No.	Mine	Seam	Base sizes									
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Reg 2" x 4"	Sieve 1" x 4"	Pen 3/4" x 1 1/4"	Run of mine	2" N/S	1 1/2" Slack
STB-DISTRICT No. 1													
CLARION AND JEFFERSON COUNTIES													
Goodman, Merle.....	3306	Goodman.....	B	315	295	280	265	255	240	225	225	175	165

[F. R. Doc. 41-1003; Filed, February 10, 1941; 11:46 a. m.]

[Docket Nos. A-541, A-567, A-584]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 NOT HERETOFORE CLASSIFIED AND PRICED

Petitions pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 10 not heretofore classified and priced; and

An amendment to the petition in Docket No. A-541 having been filed requesting the Director to disregard the prayer of the petitioner in so far as it pertains to Wilmington Coal Mining Corporation, and it appearing to the Director that the prices for Size Groups 17-25 for Mine Index 1087, West Side Co-Operative Coal Company, should be slightly lower than those recommended by petitioner in Docket No. A-584; and The Director having fully considered said petitions and the data in support

thereof, and no petitions of intervention thereto having been filed, That a

Now, therefore, it is ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petitions in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, \$ 330.2 is amended by adding thereto the supplement dated January 30, 1941, and \$ 330.25 is amended by adding thereto the supplement dated January 30, 1941, which supplements are hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petitions, may be filed within forty-five (45) days hereof, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: January 30, 1941.

[SEAL]

H. A. GRAY,
Director.

TRUCK SHIPMENTS

\$ 321.24 General prices in cents per net ton for shipment into all market areas

Code member index	Mine Index No.	Mine	Sub. dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine mod. red R/M	2" and under slack	3/4" and under slack
Barlar, Fred.....	1042	Barlar.....	6	Jefferson.....	D.....	240	215	200	190	180
Bonner, H. C.....	1122	Bonner.....	6	Jefferson.....	D.....	240	215	200	190	180
Carlson, Ed. E. (Ed. E. Carl-son Coal Co.).....	605	Carlson.....	6	Jefferson.....	D.....	240	215	200	190	180
Craig and Rankin.....	2501	Stewart Mine.....	4	Clarion.....	B.....	240	215	200	190	180
D H Coal Co.....	2769	D H.....	16	Cambria.....	D.....	240	215	200	190	180
Engle and Albright (Samuel E. Engle).....	662	Selden.....	41	Somerset.....	Sow.....	240	215	200	190	180
Finch & Nichols.....	2831	Finch & Nichols.....	6	Jefferson.....	C.....	240	215	200	190	180
Goodman, Merle.....	3306	Goodman.....	1	Clarion.....	B.....	240	215	200	190	180
Hill Bros. Coal Co. (W. H. Hill).....	212	Ashman #1.....	8	Clearfield.....	D & E.....	240	215	200	190	180
Hindes, Paul J. (Paul J. Hindes Colliery).....	442	Lloydell #1.....	34	Cambria.....	B.....	240	215	200	190	180
Jarrett, A.....	2900	Jarrett.....	2	Jefferson.....	B.....	240	215	200	190	180
Kifer Coal Co. (Henry Kifer).....	3010	Kifer.....	2	Jefferson.....	B.....	240	215	200	190	180
Labski Brothers.....	2869	Labski Bros.....	3	Clearfield.....	Bloss.....	240	215	200	190	180
Lansberry, Anson W.....	2904	Lansberry.....	8	Clearfield.....	C.....	240	215	200	190	180
Lash, John.....	2959	Lash.....	7	Clearfield.....	C.....	240	215	200	190	180
Lowman & Shank (Norval Lowman).....	3011	Gibson.....	15	Indians.....	B.....	240	215	200	190	180
Marchi, Fred.....	3012	No. 1.....	27	Cambria.....	E.....	240	215	200	190	180
Mitchell, John P.....	3013	Mitchell.....	7	Clearfield.....	C.....	240	215	200	190	180
Myers Coal Company.....	31	Beachy.....	42	Garrett.....	E.....	240	215	200	190	180
Phillips, Elden & Boyd Phillips.....	2965	Phillips.....	9	Clinton.....	A.....	240	215	200	190	180
Quality Coal Co.....	3014	Economy.....	18	Cambria.....	D.....	240	215	200	190	180
Radonsky, Andrew.....	324	Miller Run #1.....	17	Cambria.....	B.....	240	215	200	190	180
Russell, Thomas A.....	3019	Russell #2.....	2	Elk.....	B.....	240	215	200	190	180
Schurz, George W.....	2906	Ocean #1 Dump.....	43	Allegheny.....	D.....	240	215	200	190	180
Smith, Banks.....	2976	Smiths.....	6	Jefferson.....	D.....	240	215	200	190	180
Snoberger and Nedrow.....	3088	S. & N.....	41	Somerset.....	D.....	240	215	200	190	180
Spencer, Warren.....	3088	Spencer.....	44	Jefferson.....	D.....	240	215	200	190	180
Stack, John.....	3015	Stack & Shaw.....	8	Centre.....	B.....	240	215	200	190	180
Stack, John & John Shaw.....	3015	Stack & Shaw.....	8	Centre.....	B.....	240	215	200	190	180
Swineford, Cash.....	2919	Swineford.....	8	Centre.....	B.....	240	215	200	190	180
Thomas, Will Birt.....	3016	Thomas #1.....	5	Jefferson.....	A.....	240	215	200	190	180
Tire Hill Coal Company.....	2156	Tire Hill C. Co.....	20	Somerset.....	Bakers town.....	240	215	200	190	180
Vasilko, Michael.....	3017	Kettle Creek #1.....	3	Clinton.....	C.....	240	215	200	190	180
Whitacre, Charles & Allen Schrock (Charles Whitacre).....	2930	Whitacre & Schrock.....	41	Somerset.....	Pittsburgh.....	240	215	200	190	180
Zeigler, Charles.....	2278	Zeigler.....	36	Somerset.....	C.....	240	215	200	190	180

NOTE: Additional Prices are italicized.

*For Prices see Sub-District 1 Clarion and Jefferson Counties.

TEMPORARY AND CONDITIONALLY FINAL SUPPLEMENT TO SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 Mine index numbers

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
13.....	Barr Coal Co.	Barr Coal Co.	1924	44	Barr, Ill.	C. & N. W.
13.....	Denkert Coal Company	Denkert	939	47	Decatur, Ill.	Ill. Term.
33.....	Knoxville Mining Company	Knoxville Mining Co.	598	58	Knoxville, Ill.	C. B. & Q.

¹ Mine Index No. 934 shall be included in Price Group 13 and shall take the same f. o. b. mine prices as other mines in Price Group 13, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses except-

sive of railroad locomotive fuel; *Provided, however*, That these f. o. b. mine prices apply on board transportation facilities at Barr, Illinois. The railroad locomotive fuel prices shall be: Mine Run, \$1.95; Modified Mine Run, \$2.00; Screenings, \$1.40 f. o. b. cars, Barr, Illinois.
² Mine Index No. 939 shall be included in Price Group 13 and shall take the same f. o. b. mine prices as other mines in Price Group 13, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exceptive of railroad locomotive fuel; *Provided, however*, That these f. o. b. mine prices apply on board transportation facilities at Decatur, Illinois. The railroad locomotive fuel prices shall be: Mine Run, \$1.95; Modified Mine Run, \$2.00; Screenings, \$1.40 f. o. b. cars, Decatur, Illinois.
³ Mine Index No. 598 shall be included in Price Group 33 and shall take the same f. o. b. mine prices as other mines in Price Group 33, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exceptive of railroad locomotive fuel; *Provided, however*, That these f. o. b. mine prices apply on board transportation facilities at Knoxville, Illinois. The railroad locomotive fuel prices shall be: Mine Run, \$2.00; Screenings, \$1.40 f. o. b. cars, Knoxville, Illinois.

TRUCK SHIPMENTS

§ 330.25 General prices in cents per ton for shipment into all market areas

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																												
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION No. 3 KNOX COUNTY																																
Merrifield, Edward	1417	Merrifield	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
SECTION No. 4 FULTON COUNTY																																
Wilkins, John (Wilkins Coal Co.)	1380	Wilkins	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
PEORIA COUNTY																																
Taylor, W. W.	1416	Taylor Strip	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
SECTION No. 8 MADISON COUNTY																																
Bunker Hill Coal & Mining Company	1038	Bunker Hill	6																	185	180	180	180	170	170	160	150	125	125	115		
ST. CLAIR COUNTY																																
Dewey Coal & Mining Co.	1061	Dewey Coal & Mng. Co.	6																	185	180	180	180	170	170	160	150	115	125	115		
Pep Coal Company	1077	Pep	6																	175	170	170	170	160	160	150	115	125	115			
Schubert Coal Company	1080	Schubert #1	6																	175	170	170	170	160	160	150	115	125	115			
West Side Co-Operative Coal Co. (J. H. Keim)	1087	West Side Co-Op.	6																	165	160	160	160	150	150	140	110	125	115			

[Docket Nos. A-409, A-512, and A-513]
PART 334—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 14

ORDER OF CONSOLIDATION AND GRANTING
TEMPORARY RELIEF AND CONDITIONALLY
PROVIDING FOR FINAL RELIEF IN THE MAT-
TER OF THE PETITIONS OF DISTRICT BOARD
14 AND KEENER MINING COMPANY FOR THE
ESTABLISHMENT OF PRICE CLASSIFICATIONS
AND MINIMUM PRICES FOR THE COALS OF
CERTAIN MINES IN DISTRICT NO. 14 NOT
HERETOFORE CLASSIFIED AND PRICED

Petitions, pursuant to the Bituminous
Coal Act of 1937, having been duly filed
with the Bituminous Coal Division by
District Board 14 for the establishment
of price classifications and minimum

prices for the coals of certain mines not
heretofore classified and priced and for
revision of the price classifications and
minimum prices for the coals of certain
other mines, in Docket No. A-409, and
by Keener Mining Company for the es-
tablishment of price classifications and
minimum prices for the coals of its Nos.
2 and 3 mines, Mine Indices Nos. 212
and 213, not heretofore classified and
priced, in Docket Nos. A-512 and A-513.

It appearing that with respect to the
establishment of price classifications and
minimum prices for the coals of such
mines not heretofore classified and
priced, no petitions of intervention have
been filed with the Bituminous Coal Di-
vision; and that the above-entitled mat-
ters raise analogous issues:

The Director, finding that a reasonable
showing of necessity has been made for

the granting of temporary relief, as
hereinafter provided, and being of the
opinion that it is necessary in order to
effectuate the purposes of the Bitumi-
nous Coal Act of 1937:

It is ordered, That the above-entitled
matters be, and they hereby are, con-
solidated.

It is further ordered, That, pending
final disposition of the above-entitled
matters, temporary relief be, and it
hereby is, granted as follows: Commenc-
ing forthwith, §§ 334.5 and 334.24 are
amended by adding thereto and suppli-
ments dated January 31, 1941, which are
hereinafter set forth.

It is further ordered, That pleadings
in opposition to the original petition in
Docket No. A-409, in so far as such peti-
tion relates to the establishment of price
classifications and minimum prices for

the coals of certain District No. 14 mines
not heretofore classified and priced, and
in opposition to the original petition in
Docket Nos. A-512 and A-513, and appli-
cations to stay, terminate or modify the
temporary relief herein granted may be
filed with the Bituminous Coal Division
within forty-five (45) days from the date
of this Order, pursuant to the Rules and
Regulations Governing Practice and Pro-
cedure Before the Bituminous Coal Divi-
sion in Proceedings Instituted Pursuant
to section 4 II (d) of the Bituminous
Coal Act of 1937.

It is further ordered, That the relief
herein granted shall become final sixty
(60) days from the date of this Order,
unless the Director shall otherwise order.
Dated: January 31, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY SUPPLEMENT TO SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material in this Temporary Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 Alphabetical list of code members

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Prod. group No.	Freight origin group No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
212 213	Keener Coal Company Keener Coal Company	Keener No. 2 Keener No. 3	7 7	20 20			D	J	B	M	M	M	L	L	I		D	B	B	B	A	Q	O	

TRUCK SHIPMENTS
§ 334.24 General prices in cents per net ton for shipment into all market areas

Code member index	Mine index No.	Mine	County	Sub dist. No.	Prices and size group Nos.																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Bell, Dwight	474	Blue Branch	Johnson	2		425											135					385		
Brooks, Bart	438	Brooks	Logan	2		385											135					325		
Brown, J. W.	468	Brown	Johnson	2		425											135					385		
Byrd, Leslie	456	Byrd	Haskell	2		370											135					270		
Coffman and Estep (J. L. Coffman)	466	Creek	Logan	3		385											135					325		
East Fort Smith Coal Company	465	#1	Sebastian	3		370											135					270		
Ford Coal Company, Jas. N. (James N. Ford)	210	No. 1	Sebastian	3		370											135					300		
Giesse, Tip	464	Branner	Franklin	3		370											135					270		
H. & M. Coal Co. (R. G. McIlroy)	472	H&M Coal Co.	Franklin	3		425											135					270		
Hall & Clem (J. O. Hall)	471	Hall & Clem	Franklin	3		370											135					300		
Handy Andy Coal Co. (S. A. Connaughton)	490	Handy Andy	Logan	3		385											135					325		
Hopkins & Lester Coal Co. (M. L. Hopkins)	469	No. 1	Franklin	3		425											135					300		
Kearney Coal Company	212	Kearney No. 2	LeFlore	3		370											135					325		
Kearney Coal Company	213	Kearney No. 3	LeFlore	3		385											135					300		
Kearney & Lewis (A. J. Kilcrease)	459	Paradise	Johnson	2		385											135					325		
Leah, W.	463	Liles #1	LeFlore	2		405	405	395	395	350	315	200	115	105	185		135					270		
Midget Coal Mine (Luther Gabbard)	462	Midget	LeFlore	2		385											135					315		
Morgan, F. H.	459	Liles #1	LeFlore	2		400					365						135					300		
Nehus, Leonard G.	467	Nehus	Franklin	3		370											135					300		
Shiloh Coal Co. (W. T. Wright)	461	Nehus	Logan	3		385											135					325		
Templeton Coal Co. (J. R. Templeton)	455	Shiloh Coal Co.	Pope	3		425						250	200	200	450		135					270		
Timmons, Blake (Blake Timmons Coal Company)	473	Timmons	LeFlore	3		370											135					325		
			Logan	3		385											135					300		

[F. R. Doc. 41-1002; Filed, February 10, 1941; 11:46 a. m.]

[Docket Nos. A-465, A-466, A-467, A-468, A-469, A-470, A-471, A-472, and A-476]

PART 335—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 15

ORDER GRANTING ADDITIONAL TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN DOCKET NO. A-476, DISMISSING DOCKETS NOS. A-465 TO A-472, INCLUSIVE, AND CANCELING THE HEARING SET THEREIN IN THE MATTER OF THE PETITIONS OF FRANK NEDEJEDLY, KIRBBS BROS. AND FISHER, ED STONER, LEE CROSS AND SON, JOE DAVIS, HENRY C. FREEMAN, W. F. SMITH, AND W. F. KIRBBS, CODE MEMBERS IN DISTRICT NO. 15, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS IN SIZE GROUPS AND MINIMUM PRICES FOR SHIPMENT BY RAIL OF THE COALS OF CERTAIN MINES IN SAID DISTRICT AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15 NOT HERETOFORE CLASSIFIED AND PRICED AND FOR REVISION OF MINIMUM

No. 20—3

to A-471, inclusive, the same temporary and permanent relief therein sought by them as to their coals in Size Group No. 14; and

It appearing that due notice of the filing of said petition in Docket No. A-476 was given to all persons interested in said matter and that no opposition has appeared in the premises and the Director having duly considered said petition and the subject matter thereof;

Now, therefore, it is hereby ordered, That, a reasonable showing of the necessity therefor having been made, pending final disposition of the subject matter of said petition, additional temporary relief be and it is hereby granted, as follows: Commencing forthwith \$ 335.5 is amended by adding thereto the supplement dated January 31, 1941, which is hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify the foregoing temporary relief, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five

(45) days from date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and

It is further ordered, That the relief hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order; and

It further appearing that on the occasion of the hearing as to permanent relief in Dockets Nos. A-465 to A-472, inclusive, none of the petitioners appeared either in person or by counsel and that no evidence was there offered on their behalf therein.

Now, therefore, it is hereby ordered, That said petitions in Dockets Nos. A-465 to A-472, inclusive, be and the same are hereby dismissed and that the hearing set down thereon be and the same is hereby canceled.

Dated: January 31, 1941.

[SEAL]

H. A. GRAY,

Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 Alphabetical list of code members (rail)

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Mine index No.	Code member	Mine name	Production group No.	Freight origin group No.	Price classification by size group														
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
559	Cross & Sons, Lee (Leon Cross)	Cross	3	112														A	
613	Davis, Joe	Joe Davis	3	112														A	
329	Freeman, Henry C.	Freeman	3	112														A	
750	Kribbs Bros. & Fisher (Chas. Kribbs)	Kribbs	3	112														A	
751	Kribbs Coal Co., W. F.	W. F. Kribbs	3	112														A	
863	Nedjedly Brothers	Nedjedly Bros.	3	112														A	
971	Smith, W. F.	No. 2	3	112														A	
994	Stoner, Ed.		3	112														A	

A is Market Area list price as listed in Price Schedule No. 1.

[F. R. Doc. 41-999; Filed, February 10, 1941; 11:42 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

§ 3.1300 *Military and naval retirement pay.* Disability compensation or pension may not be awarded to a veteran for any period during which he receives retirement pay or retainer pay as a member of the Fleet Reserve or retains his retired status with the Military or Naval services. However, where a claim for disability compensation or pension is filed by a retired officer or enlisted man, such claim will be fully developed and adjudicated to the point where it may be ascertained what pecuniary benefits are payable. The applicant will be duly informed of the amount of compensation or pension which would be payable except for his retirement status and instructed to notify the Veterans' Administration and the proper service department whether he desires that his retired status be terminated. Upon receipt of notice from the respective service department of the termination of the retired status compensation or pension otherwise payable may be awarded from the date following the termination of the retired status. In all instances, including the claims of Philippine Scouts, where retirement pay has heretofore been terminated by the appropriate service department upon the basis of a waiver or otherwise and compensation or pension has been awarded it will be considered that the veteran's retirement status was properly terminated and that the veteran had elected to receive compensation or pension and the awards will be continued. (Comp. Gen. Dec. A-25279, dated 6-28-29, 7-25-40, and

12-6-40) (February 11, 1941) [48 Stat. 9; 38 U.S.C. 707]

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 41-1011; Filed, February 10, 1941; 3:48 p. m.]

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

ACCRUED AMOUNTS DUE AND UNPAID AT DEATH

§ 5.2662 *Accrued benefits.* Pension, compensation or emergency officers retirement pay, not paid during the lifetime of the person entitled thereto under Public No. 2, 73d Congress (Act of March 20, 1933), sections 26, 27, 28, and 31, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), Public No. 304, 75th Congress (Act of August 16, 1937) excepting sections 1 and 2 (see § 5.2664) or Public No. 198, (Act of July 19, 1939) excepting sections 1, 2 and 3 (see § 5.2664), shall upon the death of such person be paid under § 35.021 (e) as follows:

(f) *Definition of term "child" for accrued claims.*—For the purposes of this paragraph the term "child" shall mean a legitimate child, a child legally adopted, or an illegitimate child, but as to the father, only if acknowledged in writing signed by him or if he has been judicially ordered or decreed to contribute to such child's support or has been judicially decreed to be the putative father of such child, under the age of eighteen years at the date of death of the veteran or widow. (§ 35.021) (February 15, 1941) [48 Stat. 9; 38 U.S.C. 707]

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 41-1012; Filed, February 10, 1941; 3:48 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

ORDER IN THE MATTER OF ANNUAL REPORTS FROM STEAM RAILWAY COMPANIES OF CLASS III

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of February, A. D. 1941.

The subject of the requirement of annual reports from steam railway companies being under consideration:

It is ordered:

1. That the order of this Commission dated January 18, 1940,¹ in the Matter of Annual Reports from Steam Railway Companies of Class III be, and it is hereby, annulled.

2. That all steam railway companies of Class III within the scope of Section 20, Part I, of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1940, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Roads), which is hereby approved and made a part of this order.²

It is further ordered, That the annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 41-1035; Filed, February 11, 1941; 11:47 a. m.]

Notices

WAR DEPARTMENT.

INDUCTION OF CERTAIN NATIONAL GUARD UNITS, EFFECTIVE MARCH 3, 1941 AND MARCH 5, 1941

FEBRUARY 7, 1941.

To: Commanding General, Second Army, 44 South, Second Street, Memphis, Tennessee.

1. Pursuant to and in compliance with the provisions of Executive Order Number 8633,³ January 14, 1941, ordering certain units and members of the National Guard of the United States into the active military service of the United States, effective on dates to be announced in War Department orders, the dates indicated below are hereby announced as the effective dates of induction for the following organizations:

¹ 5 F.R. 280.

² Filed as part of the original document.

³ 6 F.R. 415.

Unit	State	Date of induction
40th Division.....	Calif., Utah.....	Mar. 3, 1941
115th Observation Squadron.....	Calif.....	Mar. 3, 1941
33d Division.....	Ill.....	Mar. 5, 1941
107th Cavalry.....	Ohio.....	Mar. 6, 1941

2. Separate instructions are being transmitted for the troop movements to be made following induction.

3. Governors and State Adjutants General of states concerned are being furnished copies of this letter.

By order of the Secretary of War.

[SEAL]

WM. W. DICK,
Adjutant General.

[F. R. Doc. 41-1025; Filed, February 11, 1941;
10:15 a. m.]

[Contract No. W 953 ORD 865]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NATIONAL PNEUMATIC COMPANY, INCORPORATED

Contract for: * * * Guns * * *
and Extra Parts therefor.
Amount: \$1,412,227.95.

Place: Watervliet Arsenal, Watervliet, New York.

This Contract, entered into this 17th day of June 1940.

Scope of this contract. The contractor shall furnish and deliver:

* * * Guns, * * * \$1,256,500.00
* * * Extra parts..... 155,727.95

Total..... 1,412,227.95

for the consideration stated in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within

the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages will be assessed for each day's delay in delivery of the complete guns and parts in excess of the promised date at the rate of * * * % of the contract price per gun for each gun or part not delivered within the time specified in accordance with Article on Liquidated Damages. Total liquidated damages assessed against any one gun shall, however, not exceed * * * % of its cost.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1017; Filed, February 11, 1941;
10:12 a. m.]

[Contract No. W 953 ORD 1099]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NATIONAL PNEUMATIC COMPANY, INCORPORATED

Contract for: * * * Guns * * *
and Extra Parts therefor.
Amount: \$5,904,526.43.

Place: Watervliet Arsenal, Watervliet, New York.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities shown below, the available balances of which are sufficient to cover the cost thereof.

O. S. & S. A. 1940-41 ORD 7154 P11-3030A 1005-01.

O. S. & S. A. 1940-41 ORD 7154 P11-3030 A (1005).105-01.

This Contract, entered into this 14th day of September 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Guns, * * *, including extra parts, \$5,904,526.43, for the consideration stated in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly

certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated Damages will be assessed for each day's delay in delivery of the guns and extra parts, in excess of the promised date at the rate of * * * % of the unit price for each gun not delivered within the time specified in accordance with article on liquidated damages. Total liquidated damages assessed against any one gun shall, however, not exceed * * * % of its cost.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1018; Filed, February 11, 1941;
10:12 a. m.]

[Contract No. W 883 Ord-2501]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NORRIS STAMPING AND MANUFACTURING COMPANY

Contract for Cartridge Cases, * * *
Howitzer, * * *
Amount \$2,664,000.00.

Place: San Francisco Ordnance District, 118 Federal Office Building, San Francisco, California.

The supplies to be purchased by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 6877 P 11-0270 A 1005-01, the available balance of which is sufficient to cover the cost of same. This contract is authorized by the Act of July 2, 1940 (Public, No. 703—76th Congress).

This Contract, entered into this 12th day of November, 1940.

Scope of this Contract. The contractor shall furnish and deliver Cases, Cartridge, * * * Howitzer, * * *, for the consideration Two million, six hundred sixty four thousand dollars (\$2,664,-

000.00), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten percent of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * %, and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Place of manufacture. The Contractor will perform the work under this contract in the factory or factories listed below:

Norris Stamping and Manufacturing Company, Los Angeles, California

Advance payment. The Government agrees to advance to the Contractor the sum of Seven hundred ninety-seven thousand four hundred (\$797,400.00) dollars without interest as soon as practicable after the signing of this contract and approval by The Assistant Secretary of War.

It is mutually agreed that, as a condition precedent to the advance of funds, as indicated in Paragraph (a) of this Article, the Contractor will furnish the Government with surety bond or other adequate security satisfactory to The Secretary of War for the full amount of the advance payment herein agreed upon.

The Contractor agrees to liquidate the full amount of the advance payment here authorized as follows:

Deduction of * * * % from any and all payments made by the Government, under the terms of this contract until the advance payment is fully liquidated.

In the event of termination of the contract resulting from default or unjustified delay, the contractor agrees to return to the Government, upon demand, the outstanding balance of any advance payment.

Price adjustments. The contract prices stated in Article 1 are subject to adjustments for changes in labor costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in completion.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1016; Filed, February 11, 1941;
10:12 a. m.]

[Contract No. W 6708-qm-155]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: N. P. SEVERIN COMPANY, 222
WEST ADAMS STREET, CHICAGO, ILLINOIS

Contract for: Construction and completion of * * * Hangars.

Amount: \$1,450,799.00.

Place: Howard Field, Canal Zone.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth therein, and are chargeable to Procurement Authorities noted below, the available balances of which are sufficient to cover the cost of same:

QM 3414 P 1-3211 A 0540.035-N, C. of
B. U. & A. at MP. No Year, \$1,450,799.00.

This Contract, entered into this 29th day of November, 1940.

Statement of work. The contractor shall furnish the materials, and perform the work for the construction and completion of * * * Hangars at Howard Field, Canal Zone, for the consideration of one million four hundred fifty thousand seven hundred ninety nine and no/100 (\$1,450,799.00) Dollars; in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

Liquidated damages. Added. If the Contractor delays the completion of the work under this contract beyond the time for completion stated in the contract, then the Contractor shall pay the United States as fixed, agreed and liquidated damages, the stated amounts.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1019; Filed, February 11, 1941;
10:13 a. m.]

[Contract No. W 303 ord-904]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE ELECTRIC AUTO-LITE
COMPANY

Contract for: Booster, * * * (Sets of Metal Parts); Fuze, * * * (Sets of Metal Parts).

Amount: \$1,917,006.60.

Place: Cleveland Ordnance District,
1450 Terminal Tower, Cleveland, Ohio.

The supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to Procurement Authorities ORD 6882 P11-0270 A1005-01 for Item 1 and ORD 6862 P11-0270 A1005-01 for Item 2 and Item 3, the available balances of which are sufficient to cover cost of same.

This Contract, entered into this 25th day of November 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Booster * * * (Sets of Metal Parts) * * * Fuze * * * (Sets of Metal Parts) for the consideration stated One Million, Nine Hundred Seventeen Thousand, Six Dollars and Sixty Cents (\$1,917,006.60), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * %, and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

The Electric Auto-Lite Company Plant, Toledo, Ohio.

This contract is authorized by the Act of July 2, 1940 (Public, No. 703—76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1013; Filed, February 11, 1941;
10:11 a. m.]

[Contract No. W 6708-qm-159]

SUMMARY OF CONTRACT FOR CONSTRUCTION
CONTRACTOR: N. P. SEVERIN COMPANY, 222
WEST ADAMS STREET, CHICAGO, ILLINOIS

Contract for: Construction and completion of Miscellaneous Buildings.

Amount: \$1,128,200.00.

Place: Albbrook Field, Canal Zone.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth therein, and are chargeable to Procurement Authorities quoted below, the available balance of which is sufficient to cover the cost of same:

QM 8650 P 1-3211 A 0540.004-N, C. of B. U. & A. No Yr.

QM 8652 P 1-3211 A 0540.064-N, C. of B. U. & A. No Yr.

QM 3414 P 1-3211 A 0540.035-N, C. of B. U. & A. at MP No Yr.

This Contract, entered into this 6th day of December 1940.

Statement of work. The contractor shall furnish the materials and perform the work for the construction and completion of the buildings at Albbrook Field, Canal Zone for the consideration of one million one hundred twenty eight thousand two hundred and no/100 (\$1,128,200.00) dollars, in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

Liquidated damages. (Added.) If the Contractor delays the completion of the work under this contract beyond the time for completion stated in the Contract, then the Contractor shall pay the United States as fixed, agreed and liquidated damages the stated amounts.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1021; Filed, February 11, 1941;
10:13 a. m.]

[Contract No. W 294 ord-712]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION,
GUIDE LAMP DIVISION, ANDERSON, INDIANA

Contract for: * * * Case Cartridge * * *

Amount: \$4,872,900.00.

Place: The Cincinnati Ordnance District, 1229 The Enquirer Bldg., Cincinnati, Ohio.

The material to be obtained by this instrument is authorized by, is for the purpose set forth in, and is chargeable to the Procurement Authority (294) ORD 6871, P11-0270 A 1005-01 the available balance of which is sufficient to cover same.

This Contract, entered into this 22d day of December, 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Case, Cartridge, * * * for the consideration stated four million eight hundred seventy-two thousand, nine hundred dollars (\$4,872,900.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten percentum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government as fixed, agreed and the liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * % and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

Guide Lamp Division of General Motors Corporation, Anderson, Indiana.

Payments. The Contractor shall be paid, upon the submission of properly

certified invoices or vouchers, the base prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either one thousand Dollars (\$1,000) or Fifty (50) percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * % and the unit prices specified in Article 1, subject to the price adjustments specified in Article 33, such option to be exercised within * * * days from date of this contract.

This contract is authorized by the Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1014; Filed, February 11, 1941;
10:11 a. m.]

[Contract No. W 978 eng-1903]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FRUEHAUF TRAILER COMPANY

Contract for: Semi-Trailers and Dollies.

Amount: \$1,115,096.00.

Place: Office, Chief of Engineers, 1st & M Streets, N. E., Washington, D. C.

This Contract, entered into this Twenty-seventh day of December 1940.

Scope of this contract. The contractor shall furnish and deliver Semi-trailers and Dollies for the consideration stated One Million One Hundred Fifteen Thousand, Ninety-six Dollars and 00/100 (\$1,115,096.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1024; Filed, February 11, 1941;
10:14 a. m.]

[Contract No. W-670-ORD-1710]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: PHILCO CORPORATION

Contract for: * * * Fuze,
* * * (Sets of Metal Parts)

Amount: \$2,113,590.00

Place: Philadelphia Ordnance District, Mitten Building, Philadelphia, Pa.

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority Ord-6863-P11-0270-A1005-01, the available balance of which is sufficient to cover the cost of same.

This Contract, entered into this 30th day of December 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Fuze * * * for the consideration stated of Two Million, One Hundred Thirteen Thousand, Five Hundred Ninety Dollars (\$2,113,590.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the

materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * %, and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Quantities. The Government reserves the right to increase the quantity of this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

Philco Corporation, Philadelphia, Pa.

This contract is authorized by the following law: The Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1015; Filed, February 11, 1941;
10:11 a. m.]

[Contract No. W 478 ORD-1300]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SCOVILL MANUFACTURING COMPANY

Contract for: Cases, Cartridge * * *,
Fuzes * * *, Boosters, * * *

Amount: \$6,007,530.

Place: Hartford Ordnance District, 95 State Street, Springfield, Mass.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 6858 P 11-0270 A-1005-01

ORD 6870 P 11-0270 A-1005-01

ORD 6884 P 11-0270 A-1005-01

This Contract, entered into this 7th day of January 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Cases, Cartridge, * * *, Fuzes * * *, Boosters, * * * for the consideration stated, a total of six million seven thousand five hundred and thirty dollars (\$6,007,530.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured

tured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * %, and at the unit price specified in Article 1, such option, to be exercised within * * * days from date of this contract.

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten per centum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * %, and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

Scovill Manufacturing Company, Waterbury, Connecticut.

Price adjustments. The contract prices stated in Article 1 are subject to adjustments for changes in labor and materials costs.

This contract is authorized by the Act of July 2, 1940 (Public, No. 703—76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1020; Filed, February 11, 1941;
10:13 a. m.]

[Contract No. W-1106-eng-5151]

**SUMMARY OF COST-PLUS-A-FIXED-FEE
CONSTRUCTION CONTRACT**

CONTRACTOR: M. T. REED CONSTRUCTION CO.

Fixed-fee: \$62,000.00.

Contract for: Construction of a complete camp, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Place: Jackson Airport and Camp, Jackson, Mississippi.

Estimated cost of project: \$1,459,710.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

Eng-528 P 99 A-0540.063-N, and Eng-529 P 99 A-0540.068-N.

This Contract, entered into this 10th day of January 1941.

Statement of work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of a complete camp, including necessary buildings, railroad spurs, streets, temporary structures, utilities and appurtenances thereto at the Jackson Airport, Jackson, Mississippi.

It is estimated that the total cost of the construction work covered by this contract will be approximately One million three hundred thousand dollars (\$1,300,000.00) exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in article II.

(b) Rental for Contractor's equipment as provided in article II.

(c) A fixed fee in the amount of Sixty two thousand dollars (\$62,000.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the government.

Payments

Reimbursement for cost. The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for contractor's equipment. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixed-fee prescribed in article 1 shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

Termination of contract by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract authorized by the following laws:

Public, No. 611—76th Congress, approved June 13, 1940.

Public, No. 703—76th Congress, approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1022; Filed, February 11, 1941;
10:14 a. m.]

[Contract No. W-1106-eng-5154]

**SUMMARY OF COST-PLUS-A-FIXED-FEE
CONTRACT FOR ARCHITECT-ENGINEER
SERVICES**

ARCHITECT-ENGINEER: BLACK AND VEATCH

Amount fixed fee: \$15,000.00.

Estimated cost of construction project: \$1,459,710.00.

Type of construction project: Construction of a complete camp, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Location: Jackson Airport and Camp, Jackson, Mississippi.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. Eng-528 P 99 A-0540.063-N. and Eng-529 P 99 A-0540.068-N. the available balance of which is sufficient to cover the cost of same.

This Contract, entered into this 11th day of January 1941.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of a complete camp, including necessary buildings, railroad spurs, streets, temporary structures, utilities and appurtenances thereto, at Jackson Airport, Jackson, Mississippi, and estimated to cost one million, four hundred, fifty-nine thousand, seven hundred ten and 00/100 Dollars (\$1,459,710.00) and to be completed within * * * days from the date hereof.

Data to be furnished by the Government. The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

A fixed fee in the amount of Fifteen Thousand Dollars (\$15,000.00) which shall constitute complete compensation for the Architect-Engineer's services.

Reimbursement for the following expenditures:

The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract, subject to the provisions of paragraph 1 b. (2) above.

Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned.

All drawings, specifications, and blue prints are to become the property of the Government on completion of payments.

Changes in scope of project. The Contracting Officer may at any time by a written order, make changes in the scope of the work contemplated by this contract.

Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws: Public No. 611—76th Con-

gress, approved June 13, 1940, and Public No. 703—76th Congress, approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1023; Filed, February 11, 1941;
10:14 a. m.]

RAILROAD RETIREMENT BOARD.

[R.R.B. Jurisdictional Docket No. 16]

IN THE MATTER OF THE STATUS OF THE
BURLINGTON TRANSPORTATION COMPANY
UNDER THE RAILROAD UNEMPLOYMENT
INSURANCE ACT

NOTICE OF PLACE OF HEARING

Notice is hereby given that the hearing in this matter on Wednesday, February 19, 1941, at 10:00 a. m., will be held in the North Court Room of the Post Office Building, Omaha, Nebraska.

By Authority of the Board.

Dated: February 10, 1941.

[SEAL] JOHN C. DAVIDSON,
Secretary.

[F. R. Doc. 41-1027; Filed, February 11, 1941;
10:31 a. m.]

[R.R.B. Jurisdictional Docket No. 17]

IN THE MATTER OF THE STATUS OF THE
UNION PACIFIC STAGES, INCORPORATED,
UNDER THE RAILROAD UNEMPLOYMENT
INSURANCE ACT

NOTICE OF PLACE OF HEARING

Notice is hereby given that the hearing in this matter on Tuesday, February 25, 1941, at 10:00 A. M., will be held in Room 220 of the Post Office Building, Salt Lake City, Utah.

By Authority of the Board.

Dated: February 10th, 1941.

[SEAL] JOHN C. DAVIDSON,
Secretary.

[F. R. Doc. 41-1028; Filed, February 11, 1941;
10:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-674]

IN THE MATTER OF WILKES-BARRE & EASTERN
RAILROAD COMPANY 5% FIRST
MORTGAGE GOLD BONDS DUE 1942

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities

¹ Authorized by Board Order 40-724 dated December 19, 1940, 6 F.R. 536, January 18, 1941.

² Authorized by Board Order 41-21 dated January 16, 1941, 6 F.R. 557, January 22, 1941.

Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% First Mortgage Gold Bonds due 1942 of Wilkes-Barre & Eastern Railroad Company; and After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on March 12, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1032; Filed, February 11, 1941;
11:19 a. m.]

[File No. 1-970]

IN THE MATTER OF ALLIED STORES CORPORATION 4½% FIFTEEN-YEAR SINKING FUND DEBENTURES DUE 1950

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 10th day of February, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1(b) promulgated thereunder, having made application to strike from listing and registration the 4½% Fifteen-Year Sinking Fund Debentures due 1950 of Allied Stores Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Wednesday, March 5, 1941, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1030; Filed, February 11, 1941;
11:19 a. m.]

[File No. 812-120]

IN THE MATTER OF AMERICAN EUROPEAN
SECURITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940, for an order for exemption from the provisions of section 10 (b) (3) of said Investment Company Act;

It is ordered, That a hearing on the application of the above named applicant under and pursuant to section 6 (c) of said Investment Company Act be held on February 25, 1941, at 10:00 o'clock in the forenoon of that day in Room 1102A of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That William Swift, Esq., or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission,

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1029; Filed, February 11, 1941;
11:19 a. m.]

IN THE MATTER OF HARRY M. LENARTZ &
COMPANY, 767 NORTH WATER STREET,
MILWAUKEE, WISCONSIN

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1941.

Appearances: A. L. Hoffman of the Chicago Regional Office of the Commission, for the Trading and Exchange Division.

This proceeding was commenced under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Harry M. Lenartz & Company should be suspended or revoked. Pursuant to an order of the Commission dated January 4, 1941, and notice served upon the registrant, the hearing in this matter was held before a trial examiner in Chicago, Illinois, on January 15, 1941.

No. 29—4

The order for hearing recited that the staff had reported to the Commission information obtained as a result of an investigation of the registrant which tended to show that:

(a) Harry M. Lenartz, president of registrant, was convicted on November 12, 1940, in the Circuit Court, Milwaukee County, Wisconsin, of a felony arising out of the business of a broker and dealer.

(b) During the period from about August 4, 1937, to about December 1, 1939, registrant sold its own common and preferred stock to various persons by falsely representing that the investment in the stock would be insured by insurance similar to that provided for certain bank deposits. In order to facilitate the sale of the stock, registrant paid dividends out of capital and sold stock without disclosing to purchasers that it had operated at a loss, had no earnings from which to pay dividends, and that dividends were in fact being paid out of capital.

(c) On or about June 10, 1938, Harry M. Lenartz, president and the person in control of registrant, organized the Lenartz Investment Company and during the period from about June 10, 1938, to about March 1, 1940, registrant sold stock of Lenartz Investment Company to various persons by falsely representing the purpose for which the proceeds from the sale of the stock would be used; by falsely representing that the investment in the stock of the company was similar to a bank deposit and that the investor would receive interest on the investment; by falsely representing that the investor could have his money returned to him at any time he desired; and by falsely representing that the sale of the stock had been approved by an agency of the State of Wisconsin. In order to facilitate the sale of this stock, Harry M. Lenartz, who was in control of both registrant and Lenartz Investment Company, caused said Lenartz Investment Company to pay dividends out of capital, and registrant sold the stock without disclosing to the purchasers that Lenartz Investment Company had operated at a loss, had no earnings from which to pay dividends and that dividends were in fact being paid out of capital.

(d) On or about January 23, 1940, Harry M. Lenartz and others organized a company called Lenartz Securities, Inc., and during the period from about February 1, 1940, to about March 1, 1940, registrant sold stock of this company to various persons by falsely representing the purpose for which the proceeds from the sale of the stock would be used. In order to facilitate the sale of the stock, Harry M. Lenartz, who was in control of both registrant and Lenartz Securities, Inc., caused Lenartz Securities, Inc., to pay dividends out of capital and Lenartz sold this stock without disclosing to purchasers that Lenartz Securities, Inc., had

operated at a loss, had no earnings from which to pay dividends and that dividends were in fact being paid out of capital.

(e) During the period from January 1, 1937, to May 29, 1940, registrant sold securities placed in safekeeping with it by various customers without authority from such customers and converted the proceeds to its own use.

(f) While engaging in the acts and practices set forth in Paragraphs (b), (c), (d), and (e) above, registrant made use of the mails and means and instruments of transportation and communication in interstate commerce.

The hearing was ordered to determine whether the facts reported by the staff are true; whether registrant wilfully violated section 17 (a) of the Securities Act of 1933 and section 15 (c) (1) of the Securities Exchange Act of 1934; and, if so, whether it is in the public interest to revoke or suspend the registrant's registration as a broker and dealer.

No representative of the registrant appeared at the hearing but the record contains a document entitled "Answer and Consent to Revocation of Registration," signed by the registrant's representative and duly authorized by its board of directors, which acknowledges receipt and service of adequate notice of the proceeding, admits and acknowledges for the purposes of this proceeding only the existence of the facts and the cause of action set out in the Commission's order, and consents to the entry of an order revoking its registration as an over-the-counter broker and dealer.

The trial examiner found that the facts are as stated in the order for hearing; that the registrant has violated Section 17 (a) of the Securities Act of 1933 and Section 15 (c) (1) of the Securities Exchange Act of 1934; and that it is in the public interest to revoke or suspend registration. Upon an independent review of the record we adopt these findings of the trial examiner and further find that it is in the public interest to revoke registration.

It is therefore ordered, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of Harry M. Lenartz & Company as a broker and dealer be and it hereby is revoked.

By the Commission (Chairman Frank, Commissioners Healy, Eicher, and Pike), Commissioner Henderson being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1033; Filed, February 11, 1941;
11:20 a. m.]

[File No. 70-250]

IN THE MATTER OF PUBLIC SERVICE COM-
PANY OF OKLAHOMA

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 11th day of February, A. D. 1941.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than February 27th, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Company proposes to issue and sell (a) \$16,000,000 principal amount of First Mortgage Bonds, Series A, 3%, due February 1, 1971, and (b) 83,500 shares of 5% Preferred Stock, Cumulative, of the par value of \$100 per share and to apply the proceeds from the sale of said securities, together with other moneys of the Company, to the redemption of \$16,000,000 principal amount of outstanding First Mortgage Bonds, Series A, 4%, due February 1, 1966, of the Company, \$3,213,100 par amount of outstanding Seven Per Cent Prior Lien Stock of the Company and \$5,136,900 par amount of outstanding Six Per Cent Prior Lien Stock of the Company.

The Company proposes to offer to the holders of its outstanding Seven Per Cent Prior Lien Stock and Six Per Cent Prior Lien Stock the privilege of exchanging their shares for the new Preferred Stock with a cash adjustment for the difference between the redemption price of the shares now outstanding and the initial public offering price of the new Preferred Stock. Shares not taken under the exchange offer are proposed to be offered publicly.

The voting rights proposed to be accorded the Preferred Stock covered by this declaration will have the effect, in certain contingencies, of decreasing the voting power of the shares of Common Stock of the Company now outstanding.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1031; Filed, February 11, 1941;
11:19 a. m.]